IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

TUESDAY, THE 2ND JANUARY 2007 / 12TH PAUSHA 1928

Tr.P(C).No. 291 of 2006()

OP(G&.W)80/2006 of FAMILY COURT, KOTTARAKKARA

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PETITIONER

BINDU ALEX, AGED 29 YEARS,
D/O. JOYKUTTY, ST. MARY'S BUNGLOW,
PADINJATTKIZHAKUM MURI, SOORANAD NORTH VILLAGE,
KOLLAM DISTRICT.

BY ADV. SRI.VINOY VARGHESE KALLUMMOOTTIL

RESPONDENTS:

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1. ALEX T. KOSHY,
KEERIKUZHY ELAMTHOTTATHIL VEETTIL,
PARANTHAL P.O., PANDALAM THEKKEKARA VILLAGE.

2. KOCHU KOSHY,
KEERIKUZHY ELAMTHOTTATHIL VEETTIL,
PARANTHAL P.O., PANDALAM THEKKEKARA VILLAGE.

BY ADV. SRI.B.MOHANLAL

THIS TRANSFER PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 02/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

TR.P.(C).291/2006

ORDER ON CMP NO. 3396/2006

DISMISSED

SD/-
M.SASIDHARAN NAMBIAR, JUDGE

M.SASIDHARAN NAMBIAR, J.

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TR.P.(C)No.291 OF 2006

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DATED THIS THE 2nd DAY OF JANUARY, 2007

JUDGMENT

Petitioner is the wife. First respondent is her husband. Second respondent is the father of the first respondent. Petitioner filed M.C.212 of 2004 claiming maintenance from first respondent and O.P.1027 of 2005 for divorce and O.S.572 of 2005, suit for realisation of the amount before the Family Court, Kottarakkara. First respondent filed O.P(G&W) 80 of 2006 before the same court claiming custody of their minor child. This petition is filed for transfer of all the cases to Family Court, Tiruvalla contending that petitioner's father who used to accompany her is now laid up and there is nobody else for her to accompany her and she has got relatives at Tiruvalla and it is therefore convenient if the cases are transferred to Tiruvalla.

2. Respondents opposed the application contending that Family Court, Tiruvalla is nearer to the petitioner and the petition is filed only to get over

the order passed by Family Court, Kottarakkara in O.P (G&W) 80 of 2006 to produce the child and therefore no transfer may be ordered.

3. On hearing the learned counsel appearing for the petitioner and the respondents, it is clear that all the cases are now pending before Family Court, Kottarakkara and the cases were originally filed before Family Court, Kollam and were transferred to Family Court, Kottarakkara after the establishment of the Family Court at Kottarakkara. Respondents are also staying at Pandalam which is near to Tiruvalla. The fact that an order to produce the child was passed by Family Court, Kottarakkara is not a ground either to order transfer or not to transfer the cases if it is otherwise necessary and the order will not be effected by an order of transfer.

4. Considering the submission made by wife that there is nobody to accompany her to Kottarakkara and it is convenient if the cases are transferred to Thiruvalla, this transfer petition is allowed. O.P.1027 of 2005 in O.S.527 of 2005 and M.C.212 of 2004 and O.P.

(G&W) 80 of 2006 pending before Family Court, Kottarakkara are withdrawn and transferred to Family Court, Tiruvalla for disposal in accordance with law. Family Court Tiruvalla is directed to dispose the cases as expeditiously as possible.

M.SASIDHARAN NAMBIAR, JUDGE

lgk/-